

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
APR 29 2019	
CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
BY _____	DEPUTY

1 Peter Strojnik (Sr.)  
 2 7847 N. Central Ave.  
 3 Phoenix, Arizona 85020  
 Telephone: (602) 524-6602  
 PS@strojnik.com

4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF ARIZONA**

6 Case No: **CV-19-02704-PHX-DJH**

7 **COMPLAINT FOR**

8 **1. 42 U.S.C. § 1981 et seq Claims for**

9 **(a) Violation of Plaintiff's 1<sup>st</sup>**  
**Amendment Right of**  
**Dissociation, and for**

10 **(b) Violation of Plaintiffs right to**  
**be free from (1) retaliation, (2)**  
**interference, (3) coercion**  
**and/or (4) intimidation**  
**pursuant to 42 USC §12203**  
**and 28 CFR §36.206, and for**

11 **(c) Conspiracy to Violate Civil**  
**Rights.**

PETER STROJNIK, (Sr.)

12 Plaintiff,

13 vs.

14 STATE BAR OF ARIZONA,

15 Defendant.

16  
 17  
 18  
 19  
 20 1. In this Action Plaintiff seeks damages against the State Bar of Arizona ("SBA")  
 21 pursuant to 42 US Code §§1981, 1981a, 1983, 1985 and 1988 for violation of Plaintiff's  
 22 1<sup>st</sup> Amendment Right of Dissociation, statutory rights of freedom from (1) retaliation, (2)  
 23 interference, (3) coercion and/or (4) intimidation pursuant to 42 USC §12203 and 28 CFR  
 24 §36.206 and for conspiracy to violate Plaintiff's civil rights with non-party AG Mark  
 25 Brnovich ("Brnovich").

26 2. Both Plaintiff and SBA desire a complete dissociation one from the other: SBA  
 27 seeks to disbar Plaintiff in connection with civil rights work by Plaintiff and Plaintiff seeks

to dissociate himself from the SBA because he finds SBA's expressive conduct incompatible with his fundamental sense of integration, equality, morality and fair play.

3. Despite both parties' identical purpose – absolute and final dissociation one from the other - SBA has denied Plaintiff his 1<sup>st</sup> Amendment right of expressive dissociation in order to (1) retaliate and coerce Plaintiff to conform to SBA's expressive segregationist creed, and (2) to intimidate and interfere with Plaintiff's 1<sup>st</sup> Amendment right to redress his own personal grievances.

4. In its conduct, SBA conspired with Arizona's Attorney General Mark Brnovich all as more fully developed below.

9       5. The allegations based on “information and belief” are “based on factual  
10 information that makes the inference of culpability plausible,” although a court may take  
11 into account whether “facts are peculiarly within the possession and control of the  
12 defendant.” *Menzel v. Scholastic, Inc.*, No. 17-cv-05499-EMC, 2018 U.S. Dist. LEXIS  
13 44833, at \*5 (N.D. Cal. 2018)

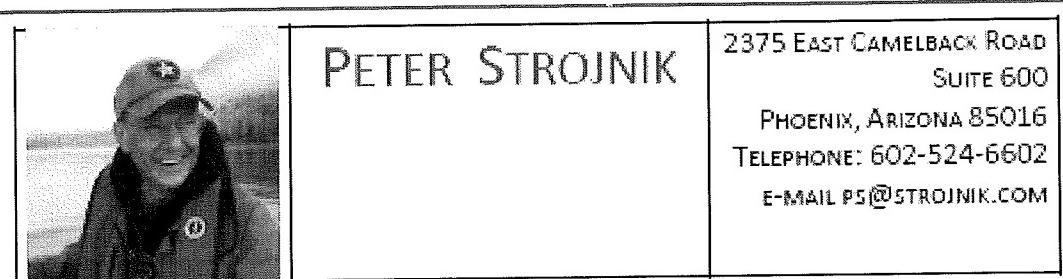
## JURISDICTION AND VENUE

14       6. The actions or omissions that form the basis for the Plaintiffs' claims herein  
15 occurred in Maricopa County in the State of Arizona. The Court has jurisdiction over the  
16 claims alleged herein pursuant to 28 U.S.C. §§ 1331 and 1343 for claims arising under  
17 42 U.S.C. §§ 1981, 1981a, 1983, 1985 and 1988. The Court has supplemental jurisdiction  
18 over the Plaintiffs' state law claims pursuant to 28 U.S.C. § 1337. 18. Venue in this Court  
19 is appropriate under 28 U.S.C. § 1331(b)(2) because the Defendant is located within this  
20 District.

## PARTIES

22       7. Plaintiff is a single man currently residing in Maricopa County, Arizona. Plaintiff  
23 is an immigrant and a veteran and has been, at all times relevant hereto, legally disabled  
24 by virtue of a severe right-sided neural foraminal stenosis with symptoms of femoral  
25 neuropathy, prostate cancer and renal cancer, degenerative right knee. He currently  
26 suffers from memory loss and other amnesia. Plaintiff is a member of a protected class  
27 under the Americans with Disabilities Act.

1           8. Plaintiff is a former member of the State Bar of Arizona having resigned on  
 2 October 24, 2018 for the reason that his continued association with said agency "is  
 3 inconsistent with [his] core principles of morality and fair play":



8           October 24, 2018

9  
 10         Shauna R. Miller, Esq.  
 11         Senior Bar Counsel  
 12         *State Bar of Arizona*  
 13         4201 N. 24<sup>th</sup> Street, Suite 100  
 14         Phoenix, Arizona 85016-6288  
 15         By e-mail only Shauna.Miller@staff.asbar.org

16           *Re: Notice of Retirement and Resignation*

17          Dear Shauna:

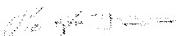
18          I previously advised you that my continuing association with the State Bar is inconsistent  
 19          with my core principles of morality and fair play and indeed, my health; therefore, I give  
 20          you formal notice of my immediate retirement and resignation from your organization.

21          I understand that there are pending issues relating to my now former license which I will  
 22          deal with in the ordinary course of business. Please do not misunderstand this notice as any  
 23          admission of any impropriety; any contrary indication on your website will be viewed as  
 24          defamatory.

25          You previously advised me that it is impossible to retire or resign from your organization  
 26          and on that, let me offer this: You can tell a fish that he can't swim, and you can tell me  
 27          that I can't resign. But he can, and I do. On a personal level, I have always found you to be  
 28          amiable and cordial, and I wish you the very best in all your endeavors.

29          Please e-mail me a copy of this letter marked "received" and make it a part of my file.

30           Sincerely,

31           

32           Peter Strojnik

33          9. Defendant SBA is a private non-profit organization established in 1933.

34

**COUNT 1**

1           10. U.S.C. § 1981 et seq Claims for (a) Violation of Plaintiff's 1<sup>st</sup>  
2           Amendment Right of Dissociation, (b) Violation of Plaintiffs right to  
3           be free from (1) retaliation, (2) interference, (3) coercion and/or (4)  
4           intimidation pursuant to 42 USC §12203 and 28 CFR §36.206.

5           11. For several years Plaintiff provided legal services to the disabled community in  
6           Arizona and, in majority of cases, donated all his fees to a non-profit organization for the  
7           disabled. In his capacity as a civil rights attorney and "tester", Plaintiff filed 1,700± civil  
8           rights cases in the Maricopa County Superior Court and the US District Court for the  
9           District of Arizona.

10          12. As a direct and proximate result of the number of cases filed, upon information  
11         and belief, State Bar of Arizona, Brnovich, the East Mesa Chamber of Commerce, the  
12         local firm of Jennings Strauss and Salmon (in particular Lindsay Leavitt and Scott  
13         Frerichs) ("JSS") conducted at least two clandestine meetings at the offices of the East  
14         Mesa Chamber of Commerce ("EMCC") to design and develop a plan to force Plaintiff  
15         to cease enforcing disabled individuals' civil rights in the State of Arizona.

16          13. At one of these two clandestine meetings, upon information and belief, JSS  
17         suggested that one way of stopping Strojnik from continuing his civil rights actions was  
18         for ADA violating individuals to file bar charges against him.

19          14. Brnovich agreed to intervene in civil rights cases on behalf of the ADA violating  
20         public accommodations. At the above referenced meetings, upon information and belief,  
21         it was agreed that the cases would be consolidated before Superior Court Judge  
22         Talamante. In connection with Judge Talamante, a statement was made, upon information  
23         and belief, that "we have a judge".

24          15. Plaintiff understands and, on that basis alleges, that the statement "we have a  
25         judge" reference was made to the Superior Court of Maricopa County Judge Talamante.  
26         The statement was meant to communicate that Brnovich, SJJ, EMCC "have a judge" who  
27         will dismiss the Superior Court Cases.

28          16. Once agreeing to intervene and thwart the civil rights of Arizona's disabled  
29         community, Brnovich sent out criminal investigators to take photos of cars parked at

1 Plaintiff's location. Brnovich began investigating and intimidating Plaintiff and  
 2 Plaintiff's support staff.

3       17. Indeed, Brnovich intervened on behalf of ADA violating public accommodations  
 4 and Judge Talamante, as calculated by the statement "we have a judge", dismissed the  
 5 Superior Court cases for lack of standing.

6       18. Judge Talamante never considered the merits of these cases.

7       19. Judge Talamante's dismissal was appealed.

8       20. On March 27, 2017, Brnovich filed a Motion for Rule 11 Sanctions, Motion for  
 9 Non-Rule 11 Sanctions and for evidentiary hearing against Plaintiff.

10      21. On or about August 9, 2017, the 9<sup>th</sup> Circuit Court of Appeals issued the now  
 11 celebrated CREEC decision<sup>1</sup> which by implication overruled Judge Talamante's  
 12 dismissal for lack of standing and positively and absolutely vindicated Plaintiff.

13      22. At this time Brnovich, defendant State Bar of Arizona and JSS realized – or should  
 14 have realized – that Judge Talamante's decision was wrong, incorrect and contrary to law  
 15 and that a continued harassment and intimidation of Plaintiff was contrary to the cause of  
 16 justice and, further, that *any continued prosecution of Strojnik "would not advance the*  
*cause of justice"*. In fact, in a Court filing, Brnovich so admitted on or about November  
 17 6, 2017:

18       6. The State withdraws with prejudice its Motion(s) for sanctions pursuant to Rule 11.  
 19           A.R.S. § 12-349, and the Court's inherent power, or otherwise, and for an award of  
 20           attorney's fees and costs against Messrs. Ritzenthaler and Strojnik for the reason that a  
 21           continuing pursuit of sanctions, costs and fees against Messrs. Ritzenthaler and Strojnik  
 22           would not advance the cause of justice. This withdrawal applies solely to the consolidated  
 23           cases, and does not preclude the State from acting to protect the public in other litigation.

24      23. In the meantime, EMCC membership and Brnovich continued filing bar charges  
 25 against Plaintiff with Defendant the State Bar of Arizona.

26      24. Throughout the relevant period, Arizona's media was paying a close attention to  
 27 Plaintiff's civil rights work, Brnovich's protection of the ADA violating public  
 28

---

27      <sup>1</sup> *Civil Rights Education and Enforcement Center v. Hospitality Properties Trust*, 867 F.3d  
 28           1093 (9th Cir. 2017)

1 accommodations and SBA's persecution of Plaintiff. Most media outlets, and particularly  
 2 the most vociferous media outfit, Channel 15 and David Biscobing, took a critical view  
 3 of Plaintiff's civil rights work. Indeed, Biscobing's reporting resulted in death threats  
 4 against Plaintiff.

5 25. In order to correct the false impressions created by the media, the SBA and  
 6 Brnovich, Plaintiff challenged Brnovich to a public debate which Brnovich refused.

7 26. On or about December 15, 2017, Plaintiff submitted and the Arizona Republic  
 8 published Plaintiff's opinion piece which explained the discriminatory actions on the part  
 9 of Brnovich under the headline<sup>2</sup>:



27  
 28 <sup>2</sup> <https://www.azcentral.com/story/opinion/op-ed/2017/12/15/mark-brnovich-fighting-disabled-business/944342001/>

1           27. The above publication motivated Brnovich to retaliate for Plaintiff's civil rights  
2 work. Plaintiff's exposure of Brnovich as a hater of the disabled and a "champion of small  
3 business" (see below) caused Brnovich and SBA to agree, expressly or tacitly, to work  
4 closely together to impose maximum damage against Plaintiff.

5           28. SBA and Brnovich agreed that, despite Plaintiff's vindication by the *CREEC*  
6 decision, they would work together to affect Brnovich's and SBA's desire to accomplish  
7 a disbarment of Plaintiff for the purpose of (1) retaliation, (2) interference, (3) coercion  
and/or (4) intimidation of Plaintiff.

8           29. For its part, the SBA agreed to investigate the bar charges even where, in its face,  
9 a bar charge would disclose no violation of ethical rules.

10          30. For its part of the agreement, Brnovich agreed to (1) conduct independent  
11 investigation of Plaintiff and share the results with the SBA, (2) send out criminal  
12 investigators to investigate Strojnik and the non-profit organization to whom Strojnik  
13 donated ADA litigation proceeds ("AID"), (3) provide support and assistance in SBA's  
14 investigations of Strojnik and AID and (4) provide additional assistance to the SBA in  
15 any proceeding through testimony of Brnovich's staff.

16          31. The purpose of the agreements between SBA and Brnovich was for Plaintiff to  
17 incur unnecessary attorney's fees and costs, and force Plaintiff to cease his civil rights  
work through economic extorsion and the threat of disbarment.

18          32. Plaintiff was not to be economically deterred and, therefore, the SBA filed for  
19 interim suspension. At the conclusion of the Interim Suspension Hearing, the presiding  
20 judge O'Neill noted, paraphrasing, "all he has heard is that Strojnik filed meritorious  
21 ADA cases" implying that there was no basis for interim suspension.

22          33. Nonetheless, through a methodology and subsequent events currently unclear to  
23 Plaintiff, Judge O'Neil entered an order of interim suspension where he stated, in part:

24           The evidence and testimony show that Mr. Strojnik is partaking in a scheme  
25 that will cause imminent and substantial harm to the public and  
26 administration of justice. The additional lawsuits Mr. Strojnik has filed since  
27 the State Bar's Motion for Interim Suspension show that his conduct will  
continue without immediate action by this Court. Any potential damage to  
28 Mr. Strojnik is outweighed by the harm to the public and to the profession.

1           34. Not to be lost in the above quote is that the SBA's O'Neil found that filing  
2 meritorious ADA enforcement actions constitutes a "*scheme*" and that filing meritorious  
3 ADA enforcement actions "*cause imminent and substantial harm to the public and*  
*administration of justice*".

4           35. Subsequently, the SBA filed a formal complaint against Strojnik. The Complaint  
5 was based, in part, on SBA's position that filing meritorious civil rights lawsuits is  
6 "wreak[ing] havoc" requiring SBA immediate action to stop it. In its communications with  
7 the Brnovich, the SBA stated:

8           **From:** Shauna Miller [mailto:[Shauna.Miller@staff.azbar.org](mailto:Shauna.Miller@staff.azbar.org)]  
9           **Sent:** Friday, May 04, 2018 10:22 AM  
10          **To:** Roysden, Beau  
11          **Subject:** Strojnik hearing yesterday

12           Hi Beau,

13           Well, I have good news and bad new; the good news is that your testimony was extremely compelling. You make a very  
14 good witness, too bad that isn't some type of career; you could make a mint. Bad news is that we are still in  
15 limbo; Judge O'Neil says he needs us to write our closing arguments for him before he can make a decision. That is just  
16 going to prolong Mr. Strojnik's ability to wreak havoc. I was hoping we would get a ruling within the next week, but now  
17 it is open-ended. I will keep you updated as we go along. If anything else concerning Mr. Strojnik comes to your  
attention, please let me know.

18           36. SBA's close working relationship with Brnovich was admitted by the SBA in an e-mail from SBA to the SBA board of governors, stating in part, "we are working with the  
19 Attorney General's Office, gathering evidence to go forward with the cases that are still  
20 pending":

21  
22  
23  
24  
25  
26  
27  
28

1                   **From:** Shauna Miller  
 2                   **Sent:** Friday, June 29, 2018 8:29 AM  
 3                   **To:** Karen Calcagno (Karen.Calcagno@staff.azbar.org)  
 4                   **Subject:** FW: Strojnik file no. 16-1309

5                   Please upload to the file.

6                   **From:** Shauna Miller  
 7                   **Sent:** Friday, June 29, 2018 8:27 AM  
 8                   **To:** 'Mike Wilson' <mwillson@wilsonps.net>  
 9                   **Cc:** Maret Vessella <Maret.Vessella@staff.azbar.org>; Amy Rehm <Amy.Rehm@staff.azbar.org>  
 10                  **Subject:** Strojnik file no. 16-1309

11                  Hi Mike,

12                  I just received the fax you sent with a copy of the letter to the Board of Governors. I wanted to give you an update on where we are with the Strojnik matters.

13                  Although it may seem like the State Bar is not doing anything, I can tell you that I have been working on the Strojnik case pretty much non-stop for the last several months. On March 6, 2018, the State Bar filed a motion for interim suspension with the Presiding Disciplinary Judge (PDJ) and a hearing should have been held no later than April 10, 2018. It was actually set for April 11, 2018. On April 3, 2018, Mr. Strojnik filed a motion to continue the hearing date due to a medical issue, which the State Bar opposed. The PDJ granted the motion and the hearing was reset for April 18, 2018. On April 11, 2018, Mr. Strojnik filed a motion to dismiss the State Bar's motion for interim suspension. The State Bar filed its response on April 26, 2018. On May 2, 2018, Mr. Strojnik filed his reply. On May 3, 2018, the PDJ heard oral argument on the motion to dismiss, and denied it. The hearing on the motion for interim suspension took place that same day. Assistant Attorney General Beau Roysden testified at the hearing. At the conclusion of the hearing, the PDJ ordered the parties to file their closing arguments. The State Bar's closing argument was due 20 days after we received a transcript from the hearing, and our closing argument was filed on June 14, 2018. Mr. Strojnik has until July 3, 2018 to file his closing argument. The PDJ must then file his decision no later than July 18, 2018. We have requested that Mr. Strojnik be suspended until the pending discipline matters have been resolved.

14                  In the meantime, we are working with the Attorney General's Office, gathering evidence to go forward with the cases that are still pending. Those include matters pending in the district court and state court.

15                  I understand this process seems to take a long time, but we are constrained by the Arizona Supreme Court Rules and need to adhere to the timelines set forth therein. If you ever want an update on the status of your case, please email me and I will give you the information that I am allowed to give pursuant to the rules.

16                  **Shauna Miller, Senior Bar Counsel**  
 17                  T: 602.340.7386 F: 602.416.7446

18  
 19  
 20                  37. SBA and Brnovich, through expressive and verbal speech, identified themselves as holding segregationist views toward the disabled. Indeed, Plaintiff alleges on information and belief that as a direct result of SBA's and Brnovich's (1) retaliation, (2) interference, (3) coercion and/or (4) intimidation, Brnovich Was recognized as a "champion of small business" by the National Federation of Independent Business:

21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1                   **Mark Brnovich**

2                   *Arizona Attorney General*

3                   Mark Brnovich was designated as Arizona's Attorney General in 2018. He previously worked as  
 4                   General of the Arizona Department of Justice, as an Assistant U.S. Attorney for the District of  
 5                   Arizona, and as an Assistant Attorney General for the state. He has also been a legal fellow  
 6                   at the Arizona Estate Litigation Council, formerly Maricopa County Attorneys' Committee, and Judge  
 7                   Artemesios P. Argyros National Chair, and Co-chair of the Center for Constitutional  
 8                   Safeguards at the University of Arizona.

9                   Brnovich is known for polarizing public performances in his office of "Arizona's Big Cap" used to  
 10                  discrediting some of the nation's most talented public servants for his entertainment. His argument in  
 11                  the United States Supreme Court regarding voter registration was featured on the CNN television  
 12                  show *CNN Tonight* as a "disastrous" from Senator Kamala Harris' testimony in  
 13                  that last summer's election.

14                  Mark Brnovich has also received by the *Arizona Independent* ("Independent Journalist as a  
 15                  Champion of Free Speech")



16                  38. Upon receipt of the above cutout e-mails and other information on or about March  
 17                  13, 2019, Plaintiff realized that the SBA and Brnovich were working together for the  
 18                  express purpose of halting all ADA related litigation in the State of Arizona, thus violating  
 19                  the express findings and purposes of the ADA encapsulated in 42 U.S.C. 12101:

20                  **42 U.S.C. §12101:**

21                  **(a) Findings**

22                  The Congress finds that—

- 23                  (1) physical or mental disabilities in no way diminish a person's right to fully  
 24                  participate in all aspects of society, yet many people with physical or mental  
 25                  disabilities have been precluded from doing so because of discrimination;  
 26                  others who have a record of a disability or are regarded as having a disability  
 27                  also have been subjected to discrimination;
- 28                  (2) historically, society has tended to isolate and segregate individuals with  
 29                  disabilities, and, despite some improvements, such forms of discrimination  
 30                  against individuals with disabilities continue to be a serious and pervasive  
 31                  social problem;
- 32                  (3) discrimination against individuals with disabilities persists in such critical  
 33                  areas as employment, housing, public accommodations, education,  
 34                  transportation, communication, recreation, institutionalization, health  
 35                  services, voting, and access to public services;
- 36                  (4) unlike individuals who have experienced discrimination on the basis of  
 37                  race, color, sex, national origin, religion, or age, individuals who have

1 experienced discrimination on the basis of disability have often had no legal  
2 recourse to redress such discrimination;

3 (5) individuals with disabilities continually encounter various forms of  
4 discrimination, including outright intentional exclusion, the discriminatory  
5 effects of architectural, transportation, and communication barriers,  
6 overprotective rules and policies, failure to make modifications to existing  
7 facilities and practices, exclusionary qualification standards and criteria,  
8 segregation, and relegation to lesser services, programs, activities, benefits,  
9 jobs, or other opportunities;

10 (6) census data, national polls, and other studies have documented that people  
11 with disabilities, as a group, occupy an inferior status in our society, and are  
12 severely disadvantaged socially, vocationally, economically, and  
13 educationally;

14 (7) the Nation's proper goals regarding individuals with disabilities are to  
15 assure equality of opportunity, full participation, independent living, and  
16 economic self-sufficiency for such individuals; and

17 (8) the continuing existence of unfair and unnecessary discrimination and  
18 prejudice denies people with disabilities the opportunity to compete on an  
19 equal basis and to pursue those opportunities for which our free society is  
20 justifiably famous, and costs the United States billions of dollars in  
21 unnecessary expenses resulting from dependency and nonproductivity.

22 **(b) Purpose**

23 It is the purpose of this chapter—

24 (1) to provide a clear and comprehensive national mandate for the  
25 elimination of discrimination against individuals with disabilities;

26 (2) to provide clear, strong, consistent, enforceable standards addressing  
27 discrimination against individuals with disabilities;

28 (3) to ensure that the Federal Government plays a central role in enforcing  
29 the standards established in this chapter on behalf of individuals with  
30 disabilities; and

31 (4) to invoke the sweep of congressional authority, including the power to  
32 enforce the fourteenth amendment and to regulate commerce, in order to  
33 address the major areas of discrimination faced day-to-day by people with  
34 disabilities.

35 39. Plaintiff realized that the SBA was persecuting Plaintiff for the primary purpose  
36 of affecting Brnovich's (1) retaliation, (2) interference, (3) coercion and/or (4)  
37 intimidation of Plaintiff.

38 40. SBA's and Brnovich's expressive conduct and verbal statements disclose SBA's  
39 and Brnovich's opposition with congressional findings and purpose.

40 41. On the other hand, Plaintiff agrees with congressional findings and purpose.

1           42. SBA's and Brnovich's expressive opposition to congressional findings and  
 2 purpose is fundamentally inimical to the integration of the disabled individuals into  
 3 America's social and economic life and to Plaintiff's moral creed.

4           43. If Plaintiff were to remain a member of the SBA, he would be viewed as having  
 5 the same expressive opinions of civil rights as the SBA and Brnovich, and would become  
 6 a subject of scorn and distrust.

7           44. Plaintiff alleges that the First Amendment, made applicable to the States by the  
 8 Fourteenth Amendment, forbids abridgment of the freedom of speech "includes both the  
 9 right to speak freely and the right to refrain from speaking at all." *Wooley v. Maynard*, 430  
 10 U. S. 705, 714 (1977). Plaintiff further believes, and therefore alleges, that the right to  
 11 eschew association for expressive purposes is likewise protected. *Roberts v. United States  
 12 Jaycees*, 468 U. S. 609, 623 (1984) ("**Freedom of association . . . plainly presupposes a  
 13 freedom not to associate**") (emphasis supplied); see *Pacific Gas & Elec., supra*, at 12 As  
 14 Justice Jackson memorably put it: "If there is any fixed star in our constitutional  
 15 constellation, it is that no official, high or petty, can prescribe what shall be orthodox in  
 16 politics, nationalism, religion, or other matters of opinion or *force citizens to confess by  
 17 word or act their faith therein*." *West Virginia Bd. of Ed. v. Barnette*, 319 U. S. 624, 642  
 18 (1943) (emphasis added). By remaining a member of the State Bar, Strojnik is forced to  
 19 confess to State Bar's faith in discrimination, coercion, threats and intimidation.

20           45. SBA's and Brnovich's inimical expressions to integration of the disabled  
 21 community into American economic and social life run counter to Plaintiff's fundamental  
 22 beliefs of equality for all.

23           46. Therefore, on March 8, 2019, Plaintiff filed with the Presiding Disciplinary Judge  
 24 a Motion To Recognize Strojnik's Expressive Dissociation From The Arizona State Bar.  
 25 The Motion stated, in part:

26           The First Amendment, made applicable to the States by the Fourteenth  
 27 Amendment, forbids abridgment of the freedom of speech "includes both the right  
 28 to speak freely and the right to refrain from speaking at all." *Wooley v. Maynard*,  
 430 U. S. 705, 714 (1977); see *Riley v. National Federation of Blind of N. C., Inc.*,  
 487 U. S. 781, 796–797 (1988); *Harper & Row, Publishers, Inc. v. Nation  
 Enterprises*, 471 U. S. 539, 559 (1985); *Miami Herald Publishing Co. v. Tornillo*,  
 418 U. S. 241, 256–257 (1974); accord, *Pacific Gas & Elec. Co. v. Public Util.*

1       *Comm'n of Cal.*, 475 U. S. 1, 9 (1986) (plurality opinion). The right to eschew  
 2 association for expressive purposes is likewise protected. *Roberts v. United States*  
 3 *Jaycees*, 468 U. S. 609, 623 (1984) (“**Freedom of association . . . plainly**  
 4 **presupposes a freedom not to associate**”) (emphasis supplied); see *Pacific Gas &*  
 5 *Elec.*, *supra*, at 12 As Justice Jackson memorably put it: “If there is any fixed star  
 6 in our constitutional constellation, it is that no official, high or petty, can prescribe  
 7 what shall be orthodox in politics, nationalism, religion, or other matters of opinion  
 8 or force citizens to confess by word or act their faith therein.” *West Virginia Bd. of*  
 9 *Ed. v. Barnette*, 319 U. S. 624, 642 (1943) (emphasis added). (Emphasis in original.)

7       47. The SBA did not respond but, instead, submitted a Motion to Strike on the  
 8 fundamental bases that Plaintiff’s Motion is “redundant”, “immaterial” and “impertinent”  
 9 and further that the Motion is damaging SBA’s “credibility and reputation”.

10      48. Plaintiff’s Motion was denied by SBA’s O’Neil.

11      49. By forcing Strojnik to remain a member of the SBA, Strojnik is forced to confess  
 12 to State Bar’s faith in discrimination, segregation, coercion, threats and intimidation.

13      50. Further, SBA and Brnovich have taken the above actions to force Plaintiff to  
 14 remain a member of the SBA in order to keep him under the oppressive regime of the  
 15 SBA’s oversight, thus preventing him from exercising his own individual 1<sup>st</sup> Amendment  
 16 right to redress<sup>3</sup> ADA violations<sup>4</sup>.

17      51. The denial of Plaintiff’s motion for dissociation violates Plaintiff’s First  
 18 Amendment right to expressive dissociation.

19      52. Plaintiff has been damaged by SBA’s denial of his right to expressive dissociation.

20      53. Plaintiff has been damaged by SBA’s and Brnovich’s (1) retaliation, (2)  
 21 interference, (3) coercion and/or (4) intimidation of Plaintiff.

22      54. SBA has been acting intentionally and engaged in aggravated, outrageous and  
 23 reprehensible misconduct and acted with the intent to deliberately interfere with the rights  
 24 of Plaintiff to expressly dissociate himself from the SBA whose conduct demonstrates its

---

25      <sup>3</sup> Plaintiff’s First Amendment right to “petition the Government for a redress of  
 26 grievances” — which includes the filing of lawsuits — and which is “one of ‘the most  
 27 precious of the liberties safeguarded by the Bill of Rights.’” *BE & K Constr. Co. v. NLRB*,  
 536 U.S. 516, 524, 122 S.Ct. 2390, 153 L.Ed.2d 499 (2002) (quoting *United Mine Workers*  
*v. Illinois Bar Assn.*, 389 U.S. 217, 222, 88 S.Ct. 353, 19 L.Ed.2d 426 (1967)).

28      <sup>4</sup> Why else would the SBA deny Plaintiff his right of dissociation?

1 creed includes segregation, violation of federal law, coercion and intimidation designed  
2 "to compel dissenters to conform". *Walker v. City of Lakewood*, 272 F.3d 1114, 1128 (9th  
3 Cir. 2001)

4 **WHEREFORE**, Plaintiff requests relief as follows:

- 5 1. For a finding that Plaintiff has the right of 1<sup>st</sup> Amendment expressive dissociation;  
6 and  
7 2. For a finding that the SBA acted in concert with Brnovich to defy Plaintiff's  
8 constitutional right of expressive dissociation; and  
9 3. For a finding that SBA denied Plaintiff his 1<sup>st</sup> Amendment right of expressive  
10 dissociation; and  
11 4. For immediate order to the SBA to acknowledge Plaintiff's expressive dissociation;  
12 and  
13 5. For damages in an amount to be proven at trial, but in no event less than  
14 \$750,000.00; and  
15 6. For punitive damages in an amount to be proven at trial but in no event less than  
16 \$5,000,000.00.  
17 7. For such other and further relief as the Court deems appropriate.

18 **TRIAL BY JURY IS DEMANDED**

19 DATED this 29<sup>TH</sup> day of April 2019

20 PETER STROJNICK

21   
Peter Strojnik  
Plaintiff

22  
23  
24  
25  
26  
27  
28